

**At An Audit Meeting / Work Session**  
Of the Town Board of the Town of Newburgh held  
At 1496 Route 300 in said township at 7:00 P.M.  
On the 14<sup>th</sup> day of April, 2004

**Roll Call:** Wayne C. Booth, Supervisor  
George A. Woolsey, Councilman  
Derek N. Benedict, Councilman  
James E. Manley, Councilman  
Gilbert J. Piaquadio, Councilman

**Also Present:** Mark C. Taylor, Attorney for the Town of Newburgh  
James W. Osborne, Town Engineer  
Andrew J. Zarutskie, Town Clerk  
Charlene M. Black, Deputy Town Clerk

**1. Pledge of Allegiance to the Flag led by Gary MacEntee, Recreation Director**

**2. Additional Items For Discussion From Board Members**

**#6 & #8 will be moved to the end of the meeting for Executive Session**

**Discussion of the Tax Certiorari with Dynegey to be held in Executive Session**

**3. Approval of the Audit**

MOTION was made by Councilman Piaquadio to approve the Audit as presented in the amount of \$248,265.31, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – abstain; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 abstention.

**4. Town Clerk's Office**

**a. Application for Carnival Permit-Rotary Club of Newburgh**

**Gillette Shows Inc. June 2-6, 2004, Ames Plaza**

Mr. Zarutskie, Town Clerk, explained how this is our first application for a carnival since you adopted the new code last year. They submitted the application, insurance and \$1000.00 check. Councilman Manley asked about the insurance. He thought the liability was \$1,000,000.00 and \$300,000.00. Mark Taylor, Attorney for the Town, explained that the Code specifies \$1,000,000.00 per person and \$3,000,000.00 each accident. The Board at their discretion may increase the minimum requirements for functions where there are mechanical rides or firework displays. There is no provision for reduction. Councilman Manley explained that they have a \$2,000,000.00 umbrella and \$1,000,000.00 aggregate policy which is the \$3,000,000.00 that they would need. Councilman Manley asked about the safety measures taken. What inspections are conducted? Supervisor Booth said for each event the State Inspector comes and also Code Compliance makes sure the State inspects them. Our Code Compliance Department also does a fire safety inspection. Supervisor Booth has some housekeeping and general neighborhood awareness questions. Supervisor Booth doesn't have a problem with the function, it is an Orange County based group and is in the Town of Newburgh. It's just the location. We received many complaints from the Boulder Rd. neighbors. We need the shut down time to be a decent time. Councilman Manley said the time for Saturday is 11:00 p.m., for Wednesday, Thursday and Friday it is 10:00 p.m. and for Sunday 8:00 p.m. Supervisor Booth would like to impose some conditions, so the residents don't complain again. Councilman Piaquadio said some shows that ran down at Algonquin Park have come up with \$10,000,000.00 coverage. Councilman Woolsey thought that was because fireworks were involved. Councilman Manley asked about the check and yes it was attached. Councilman Woolsey said this needs to go between both the Chief of Police and Code Compliance Supervisor for their approval. Councilman Manley doesn't want to approve action on this until we have their approval. The Board all feels the same way.

**b. Resolution to Remove Sunset Provision**

Mr. Zarutskie, Town Clerk, explained that there is a State grant program that local governments can apply for (records management) and the Town of Newburgh has

applied in the past successfully. What this resolution does is eliminate the expiration date and make this program permanent. These grants are for record keeping. Requests for records management generally comes from the Town Clerk's Office, gets signed by the Supervisor and then the Town Board approves the application. The last application was for movable filing cabinets and they responded. They would give us the grant and bring a consultant in and give us a review to what we need. Once that was done, we can reapply for the grant. That was in 2000 – 2001. We lost that grant because the Town Board didn't approve it. MOTION was made by Councilman Piaquadio to approve the Resolution as presented, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

**c. Approval of Polling Places for 2004**

Mr. Zarutskie, Town Clerk, explained that according to State law, the Town needs to submit to the Board of Election, by May 1, 2004, a list of the Town's polling places. (See attached list of polling places.) Mr. Zarutskie recommends that no changes be made this year.

MOTION was made by Councilman Manley to approve the Polling places as presented, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

**5. Engineering:**

**a. Proposal from McGoe, Hauser & Edsall to permit the preparation of the annual permit update**

**b. Proposal from M H & E to Update Stormwater Management Regs**

**c. Schedule Public Hearing for Town of Newburgh Stormwater Permit**

**(suggested time and date: Wed., April 28, 2004 at 7:00 p.m.)**

Jim Osborne, Town Engineer, explained he wanted to clump the above three items together. They are all related. Last year or the year before, the EPA & DEC passed what is called Stormwater Management Regulations Phase Two. There were six target items that the Town had to comply with. We have five years to comply with them. Our target date is March 10, 2008. We are in the first year of trying to comply with the regulations. Last year we submitted our permit application for MS4 SPEDES permit for the Town and that was accepted. We are now obligated this year to document the Town's effects for this year and itemize what we are going to do next year to comply with those regulations. McGoe, Hauser and Edsall has proposed in two parts. The first part is the MS4 annual report. Pat Hines had prepared the application for us and is preparing the annual update for seven other municipalities. He has proposed a fee of \$1700.00 to prepare our annual update and to attend a Public Hearing which that report has to be presented to the public. The second part of the proposal addresses one of the tasks we want to undertake in the upcoming year. That is to update our Stormwater Management regulations and bring into compliance with the Phase II regulation requirements. There are a handful of items in our Stormwater Regulations that need to be updated. The Phase II Regs require a soil and erosion plan permit be applied for on any construction site greater than one acre. Prior to that it was five acres. There is a requirement where the Town has to adopt an ordinance that specifically prohibits discharges into storm drains. We are in good shape. The DEC has used our Stormwater Management Regulations as an example for other towns. The extent of the modifications to our regulations will be minor. This is the second part of the proposal, to identify the specific language changes required in either the Town's Stormwater Management Regulations or our Clearing and Grading Law that would comply with the Stormwater Phase II Regulations and forward them on to the Town to be incorporated into the Local Law or an amendment to our existing law. The cost for this is \$3400.00. If this is acceptable, then we can either tonight or Monday night, schedule a Public Hearing for our annual update report. The deadline for the submittal of that report is June 1, 2004.

MOTION was made by Councilman Piaquadio to approve the proposals from McGoe, Hauser, and Edsall in the amount of \$5100.00, seconded by Councilman

Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Woolsey to approve the Public Hearing on the annual Stormwater permit for Wednesday, April 28, 2004 at 7: 00 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

**d. Grand Ave. North Culvert – Award of Engineering Design Contract**

Jim Osborne, Town Engineer, explained he had sent out for three proposals and only received two back. The other company has too much work and didn't have the time to submit a proposal. The two proposals are from Clark Patterson Associates in the amount of \$38,600.00 and Popli in the amount of \$45,000.00. Between the two proposals there are very minor differences except for the price. Both have hit the major tasks that are required and conduct an updated physical inspection, undertake a hydraulic analysis and prepare the contract documents required to rehabilitate the culvert. Jim is recommending the award to go to Clark Patterson Associates, 900 Corporate Boulevard, Newburgh, NY, in the amount of \$38,600.00. We had a cost estimate of \$386,000.00 in either 2001 or 2002. Jim believes the Board has already done a Bond Authorization for this project and the funds would come out of that. Jackie Calarco, Town Accountant, will probably go out for a BAN until we have the contractors bid prices in hand.

MOTION was made by Councilman Manley to approve the Engineering Design Contract for the Grand Ave. North Culvert to Clark Patterson Associates in the amount of \$38,600.00, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

**e. Meadow Hill South – Award of Engineering Design Contract**

Jim Osborne, Town Engineer, explained that this proposal from Stearns and Wheler, LLC, is to prepare the contract documents for a directional drilling pipeline installation underneath the NYS Thruway. We have a bottleneck in the Meadow Hill South system because a four inch line that was left in place. Due to trench less Technology this has progressed to where it becomes cost effective to under take this and up size the pipe to 6" or 8". At this time we need approval of the lump sum design cost of \$10,500.00.

MOTION was made by Councilman Benedict to approve the Engineering Design Contract to Stearns and Wheler, LLC in the amount of \$10,500.00 for the Meadow Hill South project, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

**7. Recreation: Hiring of New Part Time Bus Driver**

This is a request from Gary MacEntee, Recreation Director, to expand his bus positions to bring back Fay MacEntoch and to get another slot. There was a question if Board action required for this and it is. Supervisor Booth asked about the expenses that would be incurred by going with more slots and possibly combining drivers. This would be a decrease. Gary is here to explain the need for the additional drivers. With the budget there is enough money aside for and obligated by the County, to have two full dial a buses. The other problem is, we need the additional drovers for flexibility. There was a question about workers comp and Gary checked with Jackie Calarco, Town Accountant, Jim Manley, Councilman and William A. Smith Insurance and the workers comp numbers go by your bottom line payroll. We wouldn't be changing that at all. Instead of having one guy at twenty hours, two at ten hours wouldn't change that. Disability was the one thing that would change and Zurich is only \$29.00 per year, so maybe an increase of \$60.00. We have six drivers at this time and John Grimm has a license but is presently our dispatcher. We have

two dial a buses, the van service and the 23 passenger bus. Three of his drivers can presently drive the 23 passenger. One of the drivers, due to his wife's illness, asked to stay local. The two gentlemen that work the least amount of hours are the only ones willing to drive the 23 passenger bus. There are two requirements for the 23 passenger, the size and the brakes. Councilman Woolsey asked if all the drivers drove twenty hours a week. Gary said no they didn't. The two dial a bus and two senior are close to twenty. The two drivers that can drive the big bus, one gets 12 – 13 hours and the other 7 – 8 hours per week. Councilman Woolsey asked why and Gary explained these two guys work full time and come in when they are asked. Councilman Manley asked if the salaries from dial a bus drivers are reimbursable from the County? Gary said they are 80% reimbursement. Councilman Piaquadio asked if this is approved what is the salary? Gary said they would come in at \$10.00 an hour which is the starting salary for part time drivers. There is some confusion about Fay coming back. At budget time, Gary told them that Fay was out injured and we would be using her again when she was healthy. Somehow she got dropped from the payroll. Gary found out by getting a memo from Roseanne Smith, Administrative Assistant, that Fay was no longer on the payroll. We are hoping that Fay would come back at her old salary which is a little over \$10.00 per hour. Councilman Woolsey wanted to know if we brought Fay back at her old salary would we be paying her more than the other drivers? Gary said she would be higher than Frank and Duane because they are the newest drivers, but less then the other drivers who have been here. Councilman Manley wanted to know if hypnotically we had a full time driver with insurance, would the County reimburse us 80%? Gary said he didn't know but he would find out.

MOTION was made by Councilman Piaquadio to approve the two part time driver positions, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Manley to go into Executive Session at 8:10 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Benedict to end Executive Session at 9:16 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Benedict to appoint Ronald G. Hughes, Jr. of 20 Pampas Lane, Middle Hope, New York, to the vacancy on the Zoning Board of Appeals, for the term to expire December 31, 2005, seconded by Councilman Manley.

VOTE: Mr. Woolsey – nay; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 aye – 1 nay.

MOTION was made by Councilman Benedict to adjourn the Audit Meeting / Work Session of April 14, 2004 at 9:18 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

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Andrew J. Zarutskie, Town Clerk

by

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Charlene M. Black, Deputy Town Clerk